

EXHIBIT 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Michele Wilkinson, *et al.*,

Plaintiffs,

vs.

Greater Dayton Regional Transit Authority, *et al.*,

Defendants.

CASE NO. 3:11-CV-247

JUDGE RICE

**DEFENDANTS' RESPONSES TO PLAINTIFFS' FIRST SET OF REQUESTS
FOR ADMISSIONS OF FACTS AND GENUINENESS OF DOCUMENTS**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendants Greater Dayton Regional Transit Authority ("GDRTA") and Jean McEntarfer (collectively "Defendants") hereby submit the following responses to Plaintiffs' First Set of Requests for Admissions of Facts and Genuineness of Documents:

1. Defendants object to the instructions and definitions in Plaintiffs' First Set of Requests for Admissions of Facts and Genuineness of Documents to the extent they seek to expand Defendants' obligations under or are contrary to the Federal Rules of Civil Procedure and the Local Rules of the Southern District of Ohio.

2. Defendants object to Plaintiffs' First Set of Requests for Admissions of Facts and Genuineness of Documents to the extent they incorporate defined and undefined terms that are vague, ambiguous, or overreaching.

medical opinion as to the serious health condition(s) identified by the employee's health care provider. Defendants deny any remaining allegations in Request No. 8.

9. You have in at least one instance denied an application for FMLA leave based on a health condition that you determined not to be qualifying, even though in other applications the same health condition was determined to be otherwise and to merit the approval of an application for FMLA leave.

RESPONSE: Defendants object to this Request as overly broad, unduly burdensome, vague, and ambiguous. Defendants further object to this Request as seeking information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence, to the extent that it seeks information about an instance not involving Plaintiffs or a putative class member within the applicable statutory time period to bring the claims alleged in the Complaint.

Subject to and without waiving any objections, Defendants deny that the GDRTA makes a medical determination concerning whether an employee's health condition is FMLA qualifying, as this determination is made by a health care provider who provides a medical opinion to the GDRTA. Each case is individual and cannot be generalized. Defendants deny any remaining allegations in Request No. 9.

10. You have in at least one instance denied FMLA leave to an employee who failed to comply with GDRTA's call-in policies and procedures for absences from work when requesting FMLA leave.

RESPONSE: Defendants object to this Request as overly broad, vague, and ambiguous. Defendants further object to this Request as seeking information that is not relevant and not

though the employee notified the GDRTA in advance that he or she no longer needed to take leave. Defendants admit that when an employee requests foreseeable FMLA leave, the GDRTA has exercised its rights under FMLA Regulations to consult with the employee to schedule leave in order to meet both the employee's need for medical leave and the operational needs of the public transit authority. Defendants deny any remaining allegations in Request No. 13.

14. You have in at least one instance disciplined an employee for excessive absences even though some of the chargeable absences occurred on days when the employee was off work due to reasons the employee identified as requiring FMLA leave.

RESPONSE: Defendants object to this Request as overly broad, vague and ambiguous. Defendants also object to this Request as seeking information that is not relevant and not reasonably calculated to lead to the discovery of admissible evidence, to the extent that it seeks information about an instance not involving Plaintiffs or a putative class member within the applicable statutory time period to bring the claims alleged in the Complaint.

Subject to and without waiving any objections, Defendants admit that in at least once instance, the GDRTA issued a reprimand under the Absence Control Policy to an employee who requested FMLA leave for at least one of the chargeable occurrences he or she received, but did not satisfy all of the requirements for FMLA leave in accordance with FMLA Regulations and the GDRTA's FMLA Policy. Defendants deny any remaining allegations in Request No. 14.

15. You have in at least one instance requested that an employee sign an Authorization for Release of Medical Information in connection with your request that the employee obtain a second medical opinion.

EXHIBIT 5

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
1 (1.a)	X					X (OB, V, A)				X
2 (1.b)	X					X (OB, V, A)				X
3 (1.c)	X	X				X (OB, V, A)				X
4 (1.d)	X	X				X (OB, V, A)	X (because no P has asserted a claim based on the length of time to receive an FMLA packet)			X
5 (1.e)	X					X (OB, V, A)	X (because no P has asserted a claim based on the method used to verify when GDRTA received an FMLA packet)			X
6 (1.f)	X					X (OB, V, A)				X
7 (1.g)	X					X (OB, V, A)	X (to the extent that it seeks information about policies, procedures, or practices not alleged by P's to be unlawful)			X
8 (1.h)	X		X (imposes obligations inconsistent Federal Rules of Civil Procedure)	Yes, but limited to documents from FMLA files	X	X (OB, UB, V, A)	X (because no P has asserted a claim regarding the average length of time for the GDRTA to approve or deny an application for FMLA leave)			X
9 (1.i)	X		X (imposes obligations inconsistent with Federal Rules of Civil Procedure)	Yes, but limited to documents from FMLA files	X	X (OB, UB, V, A)	X (because no P has asserted a claim based on the average length of delay in the GDRTA's approval of FMLA leave)			X

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
10 (2.a)	X					X (OB, UB, V, A)	X (because no P has asserted a claim concerning the GDRTA's approval of leave for scheduled appointments only AND to the extent that it seeks information about stipulations or restrictions not applied to P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)			
11 (2.b)	X					X (OB, UB, V, A)	X (because no P has asserted a claim concerning the GDRTA's approval of leave for a pre-determined number of appointments per month and/or per period of approved FMLA leave AND to the extent that it seeks information about stipulations or restrictions not applied to P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)			
12 (2.c)	X					X (OB, UB, V, A)	X (because no P has asserted a claim concerning the GDRTA's approval of leave for a pre-determined number of episodes or incidents per month and/or per period of leave AND to the extent that it seeks information about stipulations or restrictions not applied to P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)			

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
13 (2.d)	X					X (OB, UB, V, A)	X (because no P has asserted a claim concerning the GDRTA's approval of leave for a pre-determined number of days per episode or incident AND to the extent that it seeks information about stipulations or restrictions not applied to P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)			
14 (2.e)	X					X (OB, UB, V, A)	X (because no P has asserted a claim concerning the GDRTA's approval of leave for a pre-determined number of days per month and/or per period of leave AND to the extent that it seeks information about stipulations or restrictions not applied to P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)			
15 (3.a)						X (V, A)	X (because no P has asserted a claim concerning any discipline imposed for taking foreseeable FMLA leave AND to the extent that it seeks information about discipline not imposed on P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)			

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
16 (3.b)						X (OB, UB, V, A)	X (because no P has asserted a claim concerning any discipline imposed for taking unforseeable FMLA leave AND to the extent that it seeks information about discipline not imposed on P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		
17 (3.c)						X (OB, UB, V, A)	X (because no P has asserted a claim concerning any discipline imposed for taking unforseeable FMLA leave AND to the extent that it seeks information about discipline not imposed on P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		
18 (3.d)		X				X (OB, UB, V, A)	X (because no P has asserted a claim concerning any discipline imposed for taking unforseeable FMLA leave AND to the extent that it seeks information about discipline not imposed on P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
19 (3.e)		X				X (OB, UB, V, A)	X (because no P has asserted a claim concerning any discipline imposed for taking unforseeable FMLA leave AND to the extent that it seeks information about discipline not imposed on P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		
20 (4.a)			X (exceeds scope of D's obligations under Fed. R. Civ. P. 33)	Yes, but limited to documents from FMLA files and P's request is for documents from 1/1/2006 but D's will only produce documents from 7/20/2008	X	X (OB, UB)	X (to the extent that it seeks information about FMLA requests by employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X	X	X
21 (4.b)			X (exceeds scope of D's obligations under Fed. R. Civ. P. 33)	Yes, but limited to documents from FMLA files and P's request is for documents from 1/1/2006 but D's will only produce documents from 7/20/2008	X	X (OB, UB)	X (to the extent that it seeks information about FMLA requests by employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		X

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
22 (4.c)			X (beyond the scope of Fed. R. Civ. P. 33)			X (OB, UB, V, A)	X (because no P has asserted a claim concerning any discipline imposed for using provisionally approved FMLA leave AND to the extent that it seeks information about discipline not issued to P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		
23 (4.d)			X (beyond the scope of Fed. R. Civ. P. 33)			X (OB, UB, V, A)	X (because no P has asserted a claim concerning any discipline imposed for using provisionally approved FMLA leave AND to the extent that it seeks information about discipline not issued to P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		
24 (4.e)			X (beyond the scope of Fed. R. Civ. P. 33)			X (OB, UB, V, A)	X (because no P has asserted a claim concerning any discipline received because he or she used approved FMLA leave AND to the extent that it seeks information about employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X	X	

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
25 (4.f)			X (beyond the scope of Fed. R. Civ. P. 33)			X (OB, UB, V, A)	X (to the extent that it seeks information about employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X	X	X
26 (4.g)			X (beyond the scope of Fed. R. Civ. P. 33)	Yes, but limited to FMLA files and P's request is for documents from 1/1/2006 but D's will only produce documents from 7/20/2008	X	X (OB, UB)	X (to the extent that it seeks information about employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X	X	X
27 (4.h)			X (beyond the scope of Fed. R. Civ. P. 33)	Yes, but limited to FMLA file and P's request is for documents from 1/1/2006 but D's will only produce documents from 7/20/2008	X	X (OB, UB)	X (to the extent that it seeks information about employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X	X	X

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
28 (4.i)			X (beyond the scope of Fed. R. Civ. P. 33)	Yes, but limited to FMLA file and P's request is for documents from 1/1/2006 but D's will only produce documents from 7/20/2008	X	X (OB, UB)	X (to the extent that it seeks information about employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X	X	X
29(4.i)						X (OB, UB)	X (to the extent that it seeks information about employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X	X	X
30 (5)	X	X				X (OB, V, A)	X (to the extent that it seeks information about forms and procedural requirements applied to employees other than P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		X
31 (6)						X (OB, V)	X (to the extent that it seeks information outside of the applicable statutory time period to being the claims alleged in the Complaint)	X		X
32 (7)						X (OB, V, A)		X		X
33 (8)						X (OB, UB, V, A)	X (no explanation given)	X		X

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"in detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
34 (9)			X (beyond the scope of Fed. R. Civ. P. 33)	Yes, but limited to documents from grievance and P's request is for documents from 1/1/2006 but D's will only produce documents from 7/20/2008	X	X (OB, UB, V, A)	X (to the extent that it seeks information about complaints or requests for FMLA leave not related to P's allegations in the Complaint)	X	X	X
35 (10)						X (V, A)		X		X
36 (11)			X (exceeds scope of D's obligations under Fed. R. Civ. P. 33 AND seeks a narrative response more suitable for a deposition)	Yes, but limited to FMLA file and P's request is for documents from 1/1/2006 but D's will only produce documents from 7/20/2008	X	X (OB, UB, V, A)		X		X
37 (12)								X		X
38 (13)	X		X (seeks a narrative response more suitable for a deposition)			X (OB, V, A)		X		X

Defendant's Response to Plaintiff's First Set of Interrogatories

INT #	"In detail" beyond scope of Fed. R. Civ. P. 33	Seeks general response, further specification of individual circumstances required	Federal Rules of Civil Procedure / Seeks a Narrative	Will produce docs from 7/20/08 forward pursuant to Fed. R. Civ. P. 33(d)	D's will only make documents available with Protective Order	Overly broad (OB), unduly burden (UB), vague (V), Ambiguous (A)	Not relevant or reasonably cal'd to lead to discovery of admissible evidence	Exceeds # agreed upon by parties	Shifts burden	Answer over Objection
39 (14)			X (beyond the scope of Fed. R. Civ. P. 33)	Yes, but limited to Plaintiff Stauter's personnel file		X (OB, UB)	X (to the extent that it seeks information about policies, procedures and/or methods not applied to P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X		X
40 (15)				Yes, but limited to FMLA files(Fed. R. Civ. P. 33(d) not cited)	X	X (OB, UB, V, A)	X (to the extent that it seeks information about medical certifications submitted by employees other than the P's or any putative class member within the applicable statutory time period to bring the claims alleged in the Complaint)	X	X	X

EXHIBIT 6

Defendant's Response to Plaintiff's First Request for Production of Documents

Request #	Not limited to the Relevant Time Period	Will make relevant & responsive docs identified by D's available from 7/20/08 forward at mutually agreeable time	Attorney-Client and/or Work-Product Privilege	Overly broad (OB), unduly burden (UB), Vague (V), Ambiguous (A)	Not relevant or reasonably calculated to lead to discovery of admissible evidence	Outside SOL	Not involve P's or putative class member w/in applicable time period (SOL) to bring claims
1	X	Yes (D's will only make available with Protective Order)					
2	X	Yes	X	X (OB, UB)			
3	X	Yes	X	X (OB, UB, V, A)	X		
4	X	Yes					
5	X	Yes, but P's request is for documents from 1/1/2006 and D's will only make documents from 7/20/2008 available		X (OB, V, A)	X	X	
6	Provided						
7	X	Yes, but limited to Employees' FMLA files (D's will only make available with Protective Order)	X	X (OB, UB, V, A)	X		
8	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)	X	X (OB, UB)	X	X	X
9	X	Yes, but limited to revised FMLA policy & supporting docs and P's request is for documents from 1/1/2006 and D's will only make documents from 7/20/2008 available	X	X (OB, UB, V, A)		X	
10	X	Yes, but limited to GDRTA's revised FMLA Policy and supporting documents, as well as other relevant and responsive documents and P's request is for documents from 1/1/2006 but D's will only make documents from 7/20/2008 available	X	X (OB, UB, V, A)	X	X	X
11	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)	X	X (OB, UB, V, A)	X	X	X
12	X	Not Aware of Responsive Documents	X	X (V, A)			
13		Yes (no date limitation)	X	X (OB)			
14	X	Yes, but limited to Employees' FMLA Files	X	X (OB)			
15	X	Yes, but limited to Employees' FMLA Files		X (OB, UB)	X	X	X
16	X	No		X (OB, UB, V, A)	X		
17	X	No		X (OB, UB, V, A)	X		
18		No	X	X (OB, UB, V, A)			

Defendant's Response to Plaintiff's First Request for Production of Documents

Request #	Not limited to the Relevant Time Period	Will make relevant & responsive docs identified by D's available from 7/20/08 forward at mutually agreeable time	Attorney-Client and/or Work-Product Privilege	Overly broad (OB), unduly burden (UB), Vague (V), Ambiguous (A)	Not relevant or reasonably calculated to lead to discovery of admissible evidence	Outside SOL	Not involve P's or putative class member w/in applicable time period (SOL) to bring claims
19	X	No	X	X (OB, UB, V, A)			
20	X	No	X	X (OB, UB, V, A)			
21	X	No	X	X (OB, UB, V, A)			
22	X	No	X	X (OB, V, A)			
23	X	No	X	X (OB, V, A)			
24	X	No	X	X (OB, V, A)			
25	X	Not Aware of Responsive Documents			X		
26	X	Yes, but limited to supporting documents or materials distributed or presented to employees		X (OB, V, A)	X	X	X
27	X	No	X	X (OB, V, A)	X		
28	X	Yes, but limited to documents from Grievant files dated from 7/20/2008 (D's will only make available with Protective Order)	X	X (OB, UB, V, A)	X	X	X
29	X	Yes, but limited to documents from Grievant files dated from 7/20/2008 (D's will only make available with Protective Order)		X (OB, UB, V, A)	X	X	X
30		Yes, but limited to documents from Grievant files dated from 7/20/2008 (D's will only make available with Protective Order)	X	X (OB, UB, V, A)	X	X	X
31	X	Yes (from 7/20/2006)		X (OB b/c out SOL, V, A)		X	
32	X	No, refers only to D's FMLA Policy as attached to the Answer as Exhibit B	X	X (OB, V, A)			
33	X	Yes (from 1/1/2006)	X	X (OB b/c out SOL, V, A)		X	
34	X	Yes, but limited to Employees' FMLA Files and P's request is for documents from 1/1/2006 but D's will only make documents from 7/20/2008 available (D's will only make available with Protective Order)	X	X (OB b/c out SOL, V, A)		X	
35	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)	X	X (OB, V, A)			

Defendant's Response to Plaintiff's First Request for Production of Documents

Request #	Not limited to the Relevant Time Period	Will make relevant & responsive docs identified by D's available from 7/20/08 forward at mutually agreeable time	Attorney-Client and/or Work-Product Privilege	Overly broad (OB), unduly burden (UB), Vague (V), Ambiguous (A)	Not relevant or reasonably calculated to lead to discovery of admissible evidence	Outside SOL	Not involve P's or putative class member w/in applicable time period (SOL) to bring claims
36	X	Yes, but limited to Employees' FMLA Files and P's request is for documents from 1/1/2006 but D's will only make documents from 7/20/2008 available (Available only with Protective Order)	X	X (OB, UB, V, A)	X		
37	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, UB)	X	X	X
38	X	Yes, but limited to FMLA policyh attached as Exhibit B to Complaint	X	X (OB, UB, V, A)			
39	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB)	X	X	X
40	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB)	X	X	X
41	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, V, A)			
42	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, V, A)			
43	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, V, A)			
44	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB)			
45	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, UB)	X	X	X
46	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB)	X		

Defendant's Response to Plaintiff's First Request for Production of Documents

Request #	Not limited to the Relevant Time Period	Will make relevant & responsive docs identified by D's available from 7/20/08 forward at mutually agreeable time	Attorney-Client and/or Work-Product Privilege	Overly broad (OB), unduly burden (UB), Vague (V), Ambiguous (A)	Not relevant or reasonably calculated to lead to discovery of admissible evidence	Outside SOL	Not involve P's or putative class member w/in applicable time period (SOL) to bring claims
47	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, UB)	X	X	X
48	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB)	X		
49	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, UB)	X		
50	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, V, A)	X	X	X
51	X	Yes, but limited to Employees' FMLA Files (D's will only make available with Protective Order)		X (OB, UB, V, A)	X	X	X
52	X	No		X (OB, UB, V, A)	X	X	X
53	X	No		X (OB, UB, V, A)	X	X	X

EXHIBIT 7

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, DAYTON**

MICHELE WILKINSON, DELLA	:	Case No. 3:11-cv-247
AYDELOTT, SHALONDA EGLER,	:	
BRIAN GRAY, ROB PHILLIPS,	:	Judge Walter H. Rice
DOUG STAUTER, ALICIA	:	
WASHINGTON, ROCQUEL	:	PLAINTIFFS' FIRST SET OF
MITCHELL, and all similarly	:	INTERROGATORIES
situated persons,	:	
Plaintiffs,	:	
v.	:	
GREATER DAYTON REGIONAL	:	
TRANSIT AUTHORITY and	:	
JEAN MCENTARFER,	:	
Defendants.	:	

PLAINTIFFS' FIRST SET OF INTERROGATORIES

Pursuant to Fed. R. Civ. Pro. 26 and 33, Plaintiffs serve the following interrogatories upon Defendants Greater Dayton Regional Transit Authority and Jean McEntarfer to be answered fully, in writing, and under oath, within thirty (30) days after service.

INSTRUCTIONS

The following instructions apply to the discovery requests submitted below:

1. Plaintiffs request that the response to each interrogatory be preceded by the identification of and verbatim quote of the interrogatory to which the answer responds.
2. Each interrogatory is addressed to information possessed by Defendants through their attorneys, officers, directors, managers, employees, agents, independent contractors, representatives and any other person(s) who is in possession of, or who may have obtained

information for, or on behalf of Defendants. Defendants should identify all the persons who assist them in responding to these discovery requests.

3. The interrogatories are continuing, requiring you to supply responsive information that may become known to you prior to and during any trial of this action. The response should include all information known up to the date of verification. Plaintiffs request that any such supplementary responses be served upon their counsel within fifteen (15) days from the receipt of such supplementary information, but not later than the time of trial.

4. If Defendants object or otherwise decline to set forth in their response any of the information requested, Defendants are requested to set forth the exact ground(s) for the objection or failure to respond with such specificity as will permit the Court to determine the legal sufficiency of Defendants' objection or position.

5. If a claim of privilege or any other objection is asserted with respect to any information requested in these interrogatories, provide the following:

- a. All information that is responsive thereto and to which a claim of privilege or any other objection is not asserted;
- b. Specify precisely the part or aspect of the interrogatory as to which a claim of privilege or any other objection is asserted; and
- c. Set forth fully, in each such instance, the legal and factual basis of the claim of privilege or any other objection so asserted with sufficient particularity to allow Plaintiffs to bring the matter before the Court.

6. Unless otherwise specified, the time period covered by these interrogatories is July 20, 2008 through the present.

DATE SUBMITTED: December 8, 2011

Respectfully submitted,

/s/ David M. Cook

David M. Cook (0023469)
Trial Attorney for Plaintiffs
Jennie G. Arnold (0084697)
Claire W. Bushorn(0087167)
Cook Portune & Logothetis, LLC
22 West 9th Street
Cincinnati, Ohio 45202
Phone: (513) 721-0444
Fax: (513) 721-1178
dcook@econjustice.com
jarnold@econjustice.com
cbushorn@econjustice.com
Attorneys for Plaintiffs

William W. Leathem
Jacobs Burns Orlove & Hernandez
122 South Michigan Avenue, Suite 1720
Chicago, Illinois 60603
Phone: (312)372-1646
Fax: (312) 580-7175
WLeathem@jbosh.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2011, I sent by electronic and regular mail, a copy of the foregoing to the following:

Daniel J. Guttman
Roger L. Eckelberry
Wendy K. Clary
Matthew L. Roberts
Attorneys for Defendants
Baker & Hostetler LLP
Capitol Square, Suite 2100
65 East State Street
Columbus, Ohio 43215-4260
dguttman@bakerlaw.com
reckelberry@bakerlaw.com
wclary@bakerlaw.com,
mroberts@bakerlaw.com

/s/David M. Cook
Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION, DAYTON**

MICHELE WILKINSON, DELLA AYDELOTT, SHALONDA EGLER, BRIAN GRAY, ROB PHILLIPS, DOUG STAUTER, ALICIA WASHINGTON, ROCQUEL MITCHELL, and all similarly situated persons,	: : : : : : :	Case No. 3:11-cv-247 Judge Walter H. Rice PLAINTIFFS' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
Plaintiffs,	:	
v.	:	
GREATER DAYTON REGIONAL TRANSIT AUTHORITY and JEAN MCENTARFER,	: :	
Defendants.	:	

Pursuant to Fed. R. Civ. Pro. 34, Plaintiffs submit to Defendants Greater Dayton Regional Transit Authority and Jean McEntarfer the following requests for production of documents to be answered within 30 days of service and in accordance with the following definitions and instructions.

INSTRUCTIONS and DEFINITIONS

The instructions and definitions set forth in Plaintiffs' First Set of Interrogatories ("Interrogatories") shall apply. The following also shall apply:

1. Unless otherwise specified, the time period covered by these requests is July 20, 2008 through the present.

REQUEST TO PRODUCE DOCUMENTS

DATE SUBMITTED: December 8, 2011

Respectfully submitted,

/s/ David M. Cook
David M. Cook (0023469)
Trial Attorney for Plaintiffs
Jennie G. Arnold (0084697)
Claire W. Bushorn (0087167)
Cook Portune & Logothetis, LLC
22 West 9th Street
Cincinnati, Ohio 45202
Phone: (513) 721-0444
Fax: (513) 721-1178
dcook@econjustice.com
jarnold@econjustice.com
cbushorn@econjustice.com
Attorneys for Plaintiffs

William W. Leathem
Jacobs Burns Orlove & Hernandez
122 South Michigan Avenue, Suite 1720
Chicago, Illinois 60603
Phone: (312)372-1646
Fax: (312) 580-7175
WLeathem@jbosh.com
Attorney for Plaintiffs